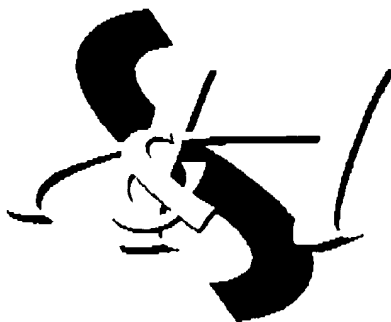


JAN 11 2006



smith & hopen, p.a.

15950 Bay Vista Drive, Suite 220
Clearwater, Florida 33760
727.507.8558 Tel
727.507.8668 Fax
www.baypatents.com

Fax

INTELLECTUAL PROPERTY LAW

To: U.S. Patent & Trademark Office	From: Ronald E. Smith, Esq.
Attn: Sing P. Chan, Art Unit 1734	Client: Mark E. Kirby
Fax: (571) 273-8300	Pages: 11 including coversheet
Phone: 571-272-1225	Date: January 11, 2006
Re: USSN: 10/708,720	CC:

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Examiner Chan:

In response to the non-final office action mailed November 29, 2005, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 11, 2006 (2 pages); and
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated January 11, 2006 (8 pages).

Very respectfully,

Ronald E. Smith
USPTO Reg. No. 28,761

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopied information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

JAN 11 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/708,720 Confirmation No.: 2719
Applicant: : Mark E. Kirby
Filed: : 03/19/2004
Art Unit : 1734
Examiner : Sing P. Chan
Docket No. : 1051.09
Customer No. : 21901
For : Method and Tool for Installing Tile on a Wall

Transmitted to Central Fax at (571) 273-8300
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is an independent inventor.

EXTENSION OF TERM

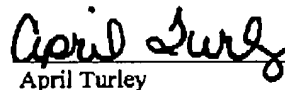
3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this Amendment A, including Amendments to the Claims and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Attn: Sing P. Chan, Art Unit 1734, (571) 273-8300, on January 11, 2006.

Dated: January 11, 2006


April Turley

(Amendment Transmittal - Page 1 of 2)

RECEIVED
CENTRAL FAX CENTER

JAN 11 2006

FEE FOR CLAIMS

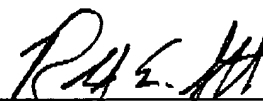
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	5	Minus	20	= 0	x \$25 =	\$0
Indep.	1	Minus	3	= 0	x \$100 =	\$0
First Presentation of Multiple Dependent Claim					+ \$180 =	\$0
Total					Addit. Fee	\$0

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,



SIGNATURE OF PRACTITIONER

Reg. No. 28,761
 Tel. No.: (727) 507-8558

Ronald E. Smith, Esq.
 Smith & Hopen, P.A.
 15950 Bay Vista Drive, Ste. 220
 Clearwater, FL 33760

(Amendment Transmittal - Page 2 of 2)

BEST AVAILABLE COPY

RECEIVED
CENTRAL FAX CENTER

JAN 11 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/708,720	Confirmation No.
Applicant:	: Mark E. Kirby	2719
Filed:	: 03/19/2004	
TC/A.U.	: 1734	
Examiner	: Sing P. Chan	
Docket No.	: 1051.09	
Customer No.	: 21901	
For	: Method and Tool for Installing Tile on a Wall	

Faxed to Central Fax at (571) 273-8300
Mail Stop Non-Fee Amendment
Hon. Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT A

Introductory Comments

Sir:

In response to the non-final Examiner's Action mailed 11/29/2005, having a shortened statutory period for response set to expire 02/28/2006, the above-identified patent application is amended a third time as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of this paper.

Remarks begin on page 5 of this paper.